

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
DIVISION

**RECEIVED**

*Chancery E. Fitzpatrick*

(Name of Plaintiff(s))

OCT 19 2009

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TENN

v.

No. \_\_\_\_\_

*Demos Health + Spaghetti*

(To be Assigned by Clerk)

(Name(s) of Defendant(s))

**COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, and the Civil Rights Act of 1991, for employment discrimination. Jurisdiction is specifically conferred upon the Court by 42 U.S.C. § 2000e-5, or, if the plaintiff is a federal employee, by 42 U.S.C. § 2000e-16. Relief is sought under 42 U.S.C. § 2000e-5(g) and/or 42 U.S.C. § 1981a(b).

2. Plaintiff, Chancery Fitzpatrick, is a citizen of the United States and resides at P. O. Box 198282,

Nashville, (street address) Davidson, (county) TN., (state) 37219  
(615) 569-1223, (city) area code & telephone number (zip code)

3. Defendant, DeMo's Steak & Spaghetti, lives at,  
or its business is located at Commerce Street,  
Nashville, Davidson, TN., 37201  
(city) (street address)  
(county) (state) (zip code)

If there is more than one defendant, list the name and address of each additional defendant:

Mr. Juan Delormiriz

4. Plaintiff sought employment from the defendant or was employed by the  
defendant at Commerce Street,  
Nashville, Davidson, TN., 37201.  
(city) (street address)  
(county) (state) (zip code)

5. Defendant discriminated against plaintiff in the manner indicated in  
paragraphs 8-9 of this complaint on or about Sept, 08.  
(month) (day) (year)

6. Plaintiff filed charges against the defendant with the Tennessee Human  
Rights Commission or the Equal Employment Opportunity Commission charging the  
defendant with the acts of discrimination indicated in paragraphs 8-9 of this complaint on  
or about Sept., 08.  
(month) (day) (year)

7. The Equal Employment Opportunity Commission or the United States Department of Justice issued a Notice of Right to Sue which was received by plaintiff on

Aug 20, 2009, a copy of which notice is attached.  
(month) (day) (year)

8. Because of plaintiff's (1)  race, (2)  color, (3)  sex, (4)  religion, (5)  national origin, the defendant:

(a)  failed to employ plaintiff.

(b)  terminated plaintiff's employment.

(c)  failed to promote plaintiff.

(d)  retaliated against plaintiff for having filed a charge of discrimination.

(e)  other: explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. The circumstances under which defendant discriminated against plaintiff were as follows: I was targeted, after (2) other black males were terminated within a month's time by a new manager named Juan R. who had harassed myself and other black males and made a comment to another manager, that the black servers in this establishment should be prepared to being getting rid of. This manager Juan had only been there maybe  
(You may use additional paper, if necessary.)

10. The acts set forth in paragraph 8 of this complaint:

- (a) \_\_\_\_\_ are still being committed by defendant.
- (b) \_\_\_\_\_ are no longer being committed by defendant.
- (c)  may still be being committed by defendant.

11. Plaintiff attaches to this complaint a copy of the charges filed with the Tennessee Human Rights Commission or the Equal Employment Opportunity Commission, which charges are submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief:

- (a) \_\_\_\_\_ direct that defendant employ plaintiff, or
- (b)  direct that defendant re-employ plaintiff, or
- (c) \_\_\_\_\_ direct that defendant promote plaintiff, or
- (d)  order other equitable or injunctive relief: \_\_\_\_\_

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(e) \_\_\_\_\_ direct that defendant pay plaintiff back pay in the amount of

35,000

and interest on back pay;

(f)  direct that defendant pay plaintiff compensatory damages: specify the amount and basis for compensatory damages: 10,000 by law TCA  
\_\_\_\_\_;

(g)  direct that defendant pay plaintiff punitive damages in the amount of  
25,000 because defendant engaged in a discriminatory

practice or practices with malice or with reckless indifference to plaintiff's federally protected rights, as described in paragraphs 8-9 above;

and that the Court grant such other relief as may be appropriate, including costs and attorney's fees.

(h) If plaintiff demands a jury trial, pursuant to 42 U.S.C. § 1981a(c), such demand must be made below:

*Please allow me to have a jury trial, if my request are not granted before a trial date so the 12 people of the jury can hear facts and decide.*

*Thank You, sincerely*

*Champe, E. D. Smith*  
(Signature of Plaintiff(s))

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: Chauncey E. Fitzpatrick  
P. O. Box 198282  
Nashville, TN 37219

From: Nashville Area Office  
50 Vantage Way  
Suite 202  
Nashville, TN 37228



*On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

494-2008-02843

Deborah K. Walker,  
Supervisory Investigator

(615) 736-2109

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

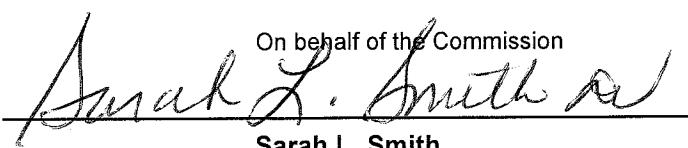
(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit **may not be collectible**.

Enclosures(s)

On behalf of the Commission

  
 Sarah L. Smith,  
Area Office Director

AUG 20 2009

(Date Mailed)

cc:

Ben Bodzy  
Attorney  
BAKER, DONELSON, BEARMAN, CALDWELL &  
BERKOWITZ, PC  
Commerce Center, Suite 1000  
211 Commerce Street  
Nashville, TN 37201